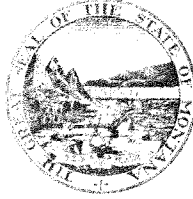


ATTORNEY GENERAL
STATE OF MONTANA

EXHIBIT 21
DATE 2/15/07
636

Mike McGrath
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

February 1, 2007

Norma Bixby
House District 41
State Capital
Helena, MT 59620

Dear Norma:

Per your request of January 18, 2006, we have pulled together information regarding how surrounding states evaluate their state troopers in field activity. As we explained in our presentation to you, our evaluation is a range from 80% to 120% of the detachment average. We drop the highest and lowest activity officer from each detachment and then take the average. If you are below or above the 80% or 120% average, the appropriate sergeant will seek an explanation. This will assist supervisors in determining low performers as well as troops that are possibly making borderline enforcement decisions.

As you can see, Montana's approach is much more sensitive to biased based policing issues than most of our surrounding states; while at the same time providing patrol administration with some objective criteria for evaluating officers. We have worked very hard in Montana to educate law enforcement on cultural issues. We are miles ahead of most states in this area and though we understand that things are not perfect, we are quite proud of our achievements and hoped that you would be as well.

We hope that this information is helpful to you. We would respectfully request that you make no changes to the racial profiling laws and anti-quota laws in Montana. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Pamela Bucy
Assistant Attorney General

Surrounding States Evaluation Systems for Self-Initiated Field Activity

North Dakota

One Contact/Hour

This means tickets, warnings, public assists, inspections, etc. NDHP has been using this type of system successfully for the past 5 years.

Idaho

Detachment Average

Each Sergeant evaluates the needs of their area and identifies the enforcement efforts needed to combat or deter traffic problems. A constant review of their efforts and output generate a detachment average that the troops in the particular detachment are held accountable to.

Oklahoma

Contacts Per Hour Based on Detachment Average

OHP tracks only tickets in this area.

Wyoming

One Contact/Hour

This includes a tickets, warnings, inspections, and public assists.

Utah

Freedom Based Performance Plan

This system allows the individual trooper to identify how they will focus their efforts at the beginning of the year based on the needs of their area. The trooper sits down with the First-Line Supervisor and writes their own goals for the year which includes enforcement numbers. Each trooper is then held accountable for the goals they have set. Each trooper has to outline for the supervisor how they will accomplish their respective goals.

South Dakota

They do not track numbers at the District level although they do unofficially at the detachment level. When they see a decline in enforcement or work activity it is up to the supervisor to conduct ride-along to determine what the issues are. The current system has made evaluation of performance more difficult. Top performing troopers receive a 2% pay increase in base pay annually. (System in place for over 15 years.) Substandard performers get nothing and a correction action system is utilized. Generally all South Dakota state employees also get 3% COLA annually. Usually 1/3 of field troops get 2% annually.

Nebraska

Detachment Average

This includes all tickets, warnings, public assists, crashes, and inspections.

Colorado

District Established Goals

The Colorado State Patrol allows each District to determine the needs of their area and establish goals as a team to combat their traffic problems. The goals of course vary from District to District. At the end of the year the individual team is given a score based on:

How many hours of teams operations that were conducted.

How many hours of targeted DUI operations were conducted.

How many miles traveled between citations issued.

(20 miles 3 points**30 miles 2.5 points**40 miles 2 points)

Numerical ratings are used up the chain of command from Trooper, to Sergeant, to Captain to determine the effectiveness of their efforts. In the end the efforts of the District rest on everyone's shoulders. Some of the Detachments have even established a goal for each trooper that required only 14 miles traveled between stops.